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SUBJECT: SAG ATTEMPTING TO TACKLE HUMAN TRAFFICKING

REF: A. RIYADH 984
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SUMMARY

[1](#)1. (SBU) In meetings on October 20 and November 16, President of the Human Rights Commission Dr. Bandar al-Aiban, who chairs the Permanent Committee created to oversee the SAG's anti-human trafficking efforts, confirmed that a formal action plan would be launched in January, including a campaign to raise public awareness about human trafficking. Al-Aiban said that the biggest hurdles to progress included ignorance of potential victims regarding their rights, and harmonizing the new law's terminology with Shari'a law. He welcomed assistance to further the SAG's efforts in combating human trafficking. Update summarizing Saudi progress on TIP Action Plan begins at paragraph 11, with an action request at paragraph 11.G.1. End Summary.

ANTI-TRAFFICKING A TOP PRIORITY

[1](#)2. (SBU) In an October 20 meeting with visiting Saudi Arabia desk officer Jeremy Berndt and a November 16 meeting with Poloffs and Department of Homeland Security Immigration and Customs Enforcement officials (DHS-ICE), President of the Human Rights Commission (HRC) Dr. Bandar al-Aiban emphasized how proud he was of Saudi Arabia's new Human Anti-Trafficking law, asserting that it is "an advanced law tough on those convicted of human trafficking." Noting that human trafficking is his "top priority," al-Aiban claimed that the Permanent Committee created to oversee the SAG's anti-human trafficking efforts had been given sufficient resources to carry out its mandate.

[1](#)3. (SBU) HRC is tasked with playing the lead coordinating role for the Permanent Committee, and is chaired by al-Aiban. The Committee also includes representatives from the Ministries of Interior, Justice, Labor, Culture and Information, Foreign Affairs, and Social Affairs. Al-Aiban believes that inter-agency cooperation is "extremely important" in the promulgation of the new law and raising public awareness. According to al-Aiban, the SAG is "using all possible means" to combat human trafficking.

[1](#)4. (SBU) Per al-Aiban's request, each ministry represented on the Committee is required to produce a report on how that ministry is ensuring the implementation of the new law as well as compiling relevant cases and statistics. (Note: Al-Aiban says he gave each ministry a one week deadline.

Some of the ministries had already completed their report which al-Aiban showed to Emboffs. End Note.) Upon completion, the various reports will be compiled into a single report, which al-Aiban asserted to Emboffs would be made available to all embassies by January. Al-Aiban claimed he wanted to ensure our Embassy received as much hard-evidence of SAG human anti-trafficking efforts and statistical data prior to the drafting of the 2010 Trafficking In Persons (TIP) Report.

KINGDOM-WIDE AWARENESS CAMPAIGN SET FOR JANUARY

15. (SBU) Additionally, the Permanent Committee is working on a national "action plan" which will be finalized in December and put into action in January to jump-start SAG efforts to combat human trafficking through workshops, training programs targeting law enforcement, judicial officials, and social workers, as well as public awareness campaigns targeting the public.

16. Coinciding with the various human trafficking public awareness campaigns proposed in the action plan, a four year, country-wide human rights awareness program approved by the King will also kick-off in January. Officially referred to as the Human Rights Culture Promulgation Program, this program will use all channels of mass media (TV, radio, print, and education) to expand the notion of human rights in Saudi Arabia. This program, like the Permanent Committee, will be based on inter-agency cooperation and communication.

CHALLENGES TO OVERCOME

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17. (SBU) Although al-Aiban was pleased with the SAG's efforts thus far to combat human trafficking, he was also quick to acknowledge that results would not be visible overnight, and that the SAG was prepared to continue its efforts long-term. Al-Aiban said the first major challenge was the ignorance among many, if not most potential victims of trafficking victims. Domestic workers, in particular, were generally not aware of their rights and the resources available to them if they became victims. As a result, many victims did not come forward. Al-Aiban hoped that the public awareness campaigns the SAG will begin to roll-out in January would reduce this problem.

18. (SBU) Another challenge al-Aiban addressed was the terminology contained in the new law. Under Shari'a, human trafficking was illegal, but the cases were usually prosecuted under different criminal statutes rather than as human trafficking crimes per se. The differences in terminology were very technical stated al-Aiban, but the HRC planned to conduct workshops for judges and prosecutors to help them better understand the new law's legal terminology and how it correlates to Shari'a terminology. Additionally, the Permanent Committee appointed Nasser Shahrani, a lawyer who worked at the Prosecution and Investigation Board for 15 years, to review and identify cases that were prosecuted under Shari'a law, but that fell into the human trafficking category. According to al-Aiban, the SAG wanted to demonstrate that it had been prosecuting cases of human trafficking before the new law was passed.

19. (SBU) Al-Aiban denounced the practice of employers withholding passports, and asserted that withholding passports is illegal in Saudi Arabia. (Note: Although supposedly illegal, the practice of withholding passports is widespread, particularly with domestic workers. End Note.) Al-Aiban acknowledged, however, that increased public awareness was critical in curbing this widespread illegal

practice, and emphasized the SAG's need to do a better job of informing domestic workers of their rights. He discussed a new campaign to notify domestic workers of their rights prior to and upon their arrival in Saudi Arabia via informational booklets that would be distributed in various languages. However, he did not mention when this campaign would be launched.

ASSISTANCE WELCOMED

¶10. (SBU) Al-Aiban welcomed outside assistance, particularly from DHS-ICE. He also concurred with the idea that human trafficking is a global issue and therefore, any solution demands that countries work together and share information and best practices. Currently, DHS-ICE is planning a 3-day human trafficking workshop in conjunction with Naif Arab University (reftel B) which al-Aiban was aware of and fully supports. He also encouraged additional training programs and workshops where outside experts could be utilized, and was supportive of the Embassy's initiative in developing a voluntary visitor exchange program in February for high-level SAG officials involved in combating human trafficking. (Note: This program is also being coordinated in cooperation with Naif Arab University. End Note.) Post plans to continue discussions with al-Aiban and the HRC on potential anti-trafficking training and technical assistance opportunities.

SAUDI PROGRESS TO DATE ON TIP ACTION PLAN

¶11. (SBU) Al-Aiban and others referred repeatedly to Saudi Arabia's Tier 3 ranking in the 2009 Trafficking In Persons Report, suggesting that the unfavorable ranking was a primary motivation behind the SAG's new push to combat human trafficking. The new law, and the first steps to implement it are positive developments. Below is Post's assessment of how these developments relate to the 2009 TIP Action Plan (reftel c).

¶A. INCREASE NUMBER OF CRIMINAL PROSECUTIONS

The new anti-trafficking law defines and criminalizes human trafficking for the first time. Although the Saudi government asserted that Shari'a law could be used to prosecute trafficking offenses, in practice there have been

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no prosecutions that the Embassy is aware of to date. Al-Aiban claimed that a report would be made available to the Embassy in January 2010 that contains statistics on TIP prosecutions. Additionally, al-Aiban indicated that training judges and prosecutors in the new legal terminology of the anti-trafficking law and how it correlates to Shari'a terminology, is a key priority.

The law does not specifically note the common practice of passport holding and exit-visa denial present in most trafficking cases in the Kingdom and therefore, the actual cases prosecuted under the new legislation may be limited. The law does not secure the rights of victims to remain in Saudi Arabia during the investigation and court proceedings, a circumstance which may further impede the chances of seeing any actual convictions.

¶B. TAKE STEPS TO DEVELOP AND IMPLEMENT A FORMAL PROTOCOL TO IDENTIFY TRAFFICKING VICTIMS

The Permanent Committee is currently drafting a comprehensive strategy which includes a systematic process to identify all types of trafficking victims. (Note: This is part of the national "action plan." End Note.) Al-Aiban indicated that

the Saudi government is very interested in U.S. assistance in developing victim identification programs and training law enforcement and social services personnel. DHS-ICE will conduct a 3-day TIP workshop December 14-16 at Naif Arab University. (Note: Although Naif Arab University is an Arab League institution, many SAG officials will participate in this workshop. End Note.) DHS-ICE has also discussed further training programs with al-Aiban, which would directly engage the SAG in anti-trafficking training programs, including victim identification. Post is looking into additional opportunities for assisting the SAG in developing and implementing their comprehensive TIP victim-identification strategy.

1C. DRAFT AND TAKE STEPS TO ENACT A COMPREHENSIVE ANTI-TRAFFICKING LAW

The Saudi government enacted a comprehensive anti-trafficking law in July 2009 which broadly defines and prohibits trafficking in a way that could potentially be used to prosecute a wide variety of offenses. (Note: This law became effective 90 days from its official publication. End Note.) The Permanent Committee was created to oversee the implementation of the new law and subsequent SAG efforts to combat human trafficking. The Committee is chaired by HRC President al-Aiban, and includes representatives from the Ministries of Interior, Justice, Labor, Culture and Information, Foreign Affairs, and Social Affairs. Currently, the Committee is drafting a national "action plan" to jump-start SAG efforts to combat human trafficking. Additionally, key officials from these ministries have been invited to participate in a State Department Voluntary Visitor (VOLVIS) program in order to expose these influential SAG officials to U.S. efforts to combat human trafficking.

1D. ENSURE THAT TRAFFICKING VICTIMS ARE NOT DETAINED OR PUNISHED FOR ACTS COMMITTED AS A RESULT OF BEING TRAFFICKED

The Permanent Committee is responsible for follow up on victims of human trafficking to ensure that the victims are not harmed or punished for acts committed as a result of being trafficked. Additionally, the Committee can make recommendations to allow victims to remain in the Kingdom or will coordinate repatriation of such victims to their countries.

1E. CONTINUE TO CONDUCT A BROAD PUBLIC AWARENESS CAMPAIGN

As part of the new national action plan, a revamped public awareness campaign is planned, and will kick-off in January according to al-Aiban. No further details were given, however. There will also be a new campaign to notify domestic workers of their rights prior to and upon their arrival in the Kingdom via informational booklets, although al-Aiban did not mention when this campaign would be launched. Coinciding with targeted TIP public awareness programs will be a four year, country-wide human rights awareness program. Al-Aiban indicated that the Saudi government is interested in developing new public awareness programs in cooperation with the U.S. government. Post is

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looking into potential collaborative opportunities.

1F. TAKE STEPS TO REFORM OR ELIMINATE THE CURRENT LABOR SPONSORSHIP SYSTEM

The Shura Council passed a new domestic workers rights law in July - something that has been under discussion for years. Shura Council resolutions are non-binding until passed by the Council of Ministers and implemented by Royal Decree to have the force of law. At present, the current protections for

workers offered under the Labor Law do not apply to domestic workers. Although the new draft law does not eliminate the labor sponsorship system, it proposes significant reforms to increase the rights and protections of workers and includes penalties against abusive employers.

1G. TAKE STEPS TO ENSURE THE FREEDOM OF MOVEMENT OF ALL LABORERS

Although the Saudi government requires exit visas for all foreigners, this policy creates a major hardship for laborers and in particular, domestic workers by restricting their movement in and out of the country. Currently, the exit visa policy is not under discussion, and the Saudi government is unlikely to change this policy in the near future. Additionally, the widespread practice of employers withholding passports creates an additional impediment towards free movement.

G.1 ACTION REQUEST: Post requests that Department provide examples of how the exit visa/passport holding issue has been addressed elsewhere, to allow us to approach the Saudi government on this important issue with credible examples of successful efforts at reform in other countries.
SMITH